

**PROFESSIONAL ENGINEERS SECTION
Examining Board of Architects, Landscape Architects,
Professional Engineers, Designers and Land Surveyors
MINUTES
MADISON, WI
JULY 13, 2001**

PRESENT: Harvey Shebesta, Lynda Farrar, Terry Richard,
Nancy Sobczak (arrived at 9:20 a.m.)

STAFF PRESENT: Katharine Hildebrand, Grace Schwingel, LeeAnn Cooper,
Wayne Austin

GUESTS PRESENT: Christine Sloat, Wisconsin Society of Professional Engineers

CALL TO ORDER

The meeting was called to order at 9:05 a.m. by Harvey Shebesta, Chair. A quorum of 3 members was present.

AGENDA

MOTION: Terry Richard moved, seconded by Lynda Farrar, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES (5/04/01)

MOTION: Lynda Farrar moved, seconded by Terry Richard, to approve the minutes as published. Motion carried unanimously.

ADMINISTRATIVE REPORT

DRL's Impaired Professionals Procedure (IPP)

LeeAnn Cooper, Coordinator of the Department's Impaired Professionals Procedure, presented the Section with information about IPP. The Section occasionally refers a licensee to the IPP program. Cooper said that each Board or Section establishes decision points that provide direction to the IPP Coordinator in determining how the licensees of that profession would be treated and monitored if the Board or Section decided to participate in the Impaired Professionals Procedure. Some decision points relate to the length of time individuals are to be monitored, what the Board's or Section's belief is about therapy, drug testing, 12-step attendance and the types of reports a particular board wants from the IPP program.

Individuals that are in the IPP program, do not come to the Section for review as is the case for individuals whose cases are handled by the Department's Division of Enforcement. The Impaired Professionals Procedure is available to licensees with a chemical dependency involving drugs or alcohol, not with mental illness or physical disabilities. This is a non-disciplinary program which enables participants to keep their full active license. Program participants are given the opportunity to develop and maintain a good recovery program on a confidential basis, without the Board or Section taking disciplinary action against them.

It was noted that most participants in this program are health care providers who are identified much quicker and come into the program as the result of diversion or use of controlled substances that are available to them in the course of practicing their profession. The IPP program is primarily designed for professionals to self-report, although some individuals, particularly those that are under the jurisdiction of the health boards, are referred to the program at the application stage of the licensing process. The Section can recommend a disciplinary case that comes before the Section to IPP to be handled there rather than as a disciplinary procedure through the Division of Enforcement as a result of a complaint.

Ms. Cooper suggested that this would be a good topic for an article in the Regulatory Digest. Harvey Shebesta asked Ms. Cooper to submit an article dealing with the information that was presented to the Section at this meeting and to put the article in the Engineer section of the Regulatory Digest to make licensees aware that this program is available. This program is not meant to threaten the occupation of any professional licensee; it's meant to allow professionals to practice their profession safely by getting help. The alternative is to take impaired professionals to disciplinary action which threatens their license and is more costly to the Department than having an individual go through the IPP program.

This is a confidential program for professionals who must self-report. Their identity is kept confidential, even from the Board or Section that grants them their license. Employers that are aware of an employee's impairment, can contact LeeAnn Cooper directly and she will coach the employer through the process of talking with the individual employee to encourage them to self-report to the IPP program.

William Conway - Presentation of Plaque to Terry Richard

On behalf of Governor Thompson, who appointed Dr. Terry Richard, and on behalf of Governor McCallum, during whose tenure Terry Richard served on the Board, and on behalf of the Department of Regulation & Licensing, and his colleagues on the Board, Deputy Secretary William Conway presented a plaque to Dr. Terry Richard honoring the service he has provided to the professionals that he represents and the citizens of the State of Wisconsin.

Katharine Hildebrand, Bureau Director

Katharine Hildebrand introduced herself as the new Bureau Director, appointed by Secretary Oscar Herrera. Hildebrand gave the Section members a review of her background, indicating that she came to the Department from the Governor's Office. She served as the Governor's Education Policy Advisor and also served on the Education Team under former Governor

Thompson. Hildebrand asked Section members to contact her with any questions they may have or if there is any way she can assist them in their duties as Section members. Hildebrand indicated that, initially, one of her primary goals is to get the Boards and Sections fully staffed with members whose terms are current.

- **Section Roster**

Lynda Farrar will be in New Zealand and will not be available for the November 2, 2001, meeting. So, unless a new Section member is appointed, the Section will not be able to have a quorum for the November meeting. Katharine Hildebrand will keep the Section updated on the process of filling vacant or expired terms for the Section. Christine Sloat, offered to suggest names for new Board members that could be submitted by the Wisconsin Society of Professional Engineers.

- **2001 Meeting Dates**

Noted.

- **Regulatory Digest**

Christine Sloat, representative of the Wisconsin Society of Professional Engineers, agreed to write an article for the Regulatory Digest and e-mail it to Hildebrand.

- **To Do List**

Hildebrand distributed a copy of the July 13, 2001, memo from Harvey Shebesta to Jay Fernholz, requesting that there be a joint meeting of the Engineers, Landscape Architects and Land Surveyors at the November 8th meeting to discuss the issues raised in Mr. Bauer's letter of April 9, 2001, to Harvey Shebesta. At that time, the Board can formulate a response, and determine whether some further action by the Board is required.

The Section requested that any requests for a reinstatement, after a license has lapsed, should be sent to the Department's Division of Enforcement (DOE) for investigation of practice without a license. The Section would like to request a statutory change from the Legislature to indicate that if an engineer fails to renew his or her license, he or she must pay all back fees for licenses that weren't renewed before having a license reinstated.

- **To Pass Folder**

Hildebrand asked the Section members if they would like to continue having the information passed around during the meeting in the "To Pass Folder." The Section will let Hildebrand know if they would like to continue this practice of circulating the "To Pass Folder" during the meeting.

Hildebrand passed out two e-mails she had received. The first e-mail, from Patty Williams on July 11, 2001, dealt with corporate registration. Wayne Austin, Legal Counsel, will work with Hildebrand to respond to this e-mail. The 2nd e-mail which was sent to NCEES Member Board Administrators regarding agreements with Microsoft, was forwarded by Alfred Hall. Wisconsin does not have a title law so the term "engineer" is not protected. However,

Wayne Austin pointed out that the Attorney General requires that the Board must look at the context in which the term engineer is being used to determine whether its use is misleading.

- **Summary Reports on Pending Court Cases, Disciplinary Cases, Administrative Rules and Press Releases**

Hildebrand reminded Section members that this information is now on the Department's website.

- **Reimbursement for Travel**

Noted

LEGISLATIVE UPDATE

Proposed Legislation to Revise s. 443.04 (1)(d), Stats., to Require a Four-Year Degree Plus Eight Years Experience and Successful Completion of an Approved Examination to Qualify for Registration as a Professional Engineer.

Hildebrand noted that there has been no activity on this legislation. Myra Shelton, legislative liaison, requested that Katharine Hildebrand prepare a chart that compares the current law with the proposed changes. The Section would be interested in seeing this kind of chart.

ADMINISTRATIVE RULES UPDATE

Report on the A-E Joint Board Rules Committee

It was noted that the Joint Board Rules Committee met on May 31, 2001.

BOARD MEMBER ACTIVITY

None.

REGISTRATION ISSUES

None.

PRACTICE ISSUES

None.

EXAMINATION ISSUES

Darwin Tichenor said that often Illinois residents come to Wisconsin to take the exam because Illinois restricts the materials that can be brought into the exam, whereas, Wisconsin has no restrictions on the reference materials that can be brought into the exam. NCEES has no rules on

this issue, unfortunately, which makes taking the exam in Wisconsin a lot more appealing. The Wisconsin rule on this matter is based on the NCEES regulations. Some states choose to regulate the materials that can be brought into an exam. The Section would be interested in finding out what the pass rates are for surrounding states that have tighter restrictions than Wisconsin for taking exams and also what materials, if any, are permitted to be brought into the exam. Tichenor will look into this for the Section.

Tichenor reviewed the April 26, 2001, letter from NCEES regarding the announcement of the Enhanced FE Reports. The FE Reports are specific to schools or institutions and provide information regarding pass rates by subject, by major for the various parts of the fundamentals of engineering exam. There was a question as to whether Wisconsin schools adhere to the Carnegie Classification of Institutions of Higher Education. The assumption is that NCEES would have this information.

NCEES

Annual Meeting Voting Delegates

There was some discussion as to who would be attending the 80th NCEES Annual meeting in Little Rock, Arkansas on August 1-4, 2001, so that Roxanne Peterson could submit the Board Delegate form.

Engineering Licensure Opinion Articles

Noted.

Cross-Border Mobility

Under the NAFTA agreement, we're agreeing to accept licensure from Mexico and Canada. There was a discussion about engineers getting licensed in Wisconsin when they don't practice in Wisconsin, simply because Wisconsin's licensure fee is lower. For some professions, licensure fees in Wisconsin are significantly lower, sometimes by about \$200, than in neighboring states. Hildebrand will look into this matter and report back to the Section as to why Wisconsin licensure fees are so drastically different than surrounding states. It was noted that the fees are based on the actual cost of regulating the profession, especially enforcement costs. There was discussion about requiring out-of-state engineers to be licensed in their own state before applying for a Wisconsin license or enforcing the 6-month residency requirement in Wisconsin before applying for an engineer's license in Wisconsin.

MISCELLANEOUS CORRESPONDENCE/INFORMATION

Donald Cohen, Regarding Test-Out for License Renewal

Donald Cohen is currently registered. There is no reason for him to have to renew. Harvey Shebesta will write a letter to Donald Cohen letting him know that there is nothing more that he needs to do.

NEW BUSINESS

None

PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT

None

MOTION: Lynda Farrar moved, seconded by Nancy Sobczak, to convene the meeting in Closed Session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.; to consider licensure or discipline (s. 19.85 (1)(b), Stats.; to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats. Motion carried unanimously by a roll call vote: Harvey Shebesta-yes, Lynda Farrar-yes, Terry Richard-yes, and Nancy Sobczak

Open Session recessed at 11:15 a.m.

CLOSED SESSION

The Section deliberated on monitoring reports, a case closing, a class 1 hearing and a reinstatement request.

RECONVENE TO OPEN SESSION

By consensus, the Board reconvened in Open Session at 11:35 a.m.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION MONITORING REPORTS

Paul Durand (Northridge, CA)

The Section agreed to grant full licensure to Paul Durand.

Gary Grunau (Milwaukee, WI)

The Section agreed to suspend the license of Gary Grunau for failure to comply with the stipulation until he petitions for reinstatement and complies with the Board order.

CASE CLOSINGS

Roland Sarko

The Section agreed to close the case on Roland Sarko, 00ENG016 P5.

CLASS I HEARINGS

Sally Yagol (Chicago, IL)

MOTION: Lynda Farrar moved, seconded by Nancy Sobczak, to allow Sally Yagol to take the exam. Motion carried unanimously.

Rollin Bertran (Milwaukee, WI)

MOTION: Lynda Farrar moved, seconded by Nancy Sobczak, to deny Rollin Bertran's request and inform him that the law is going to change and he would be approved to take the exam. Motion carried unanimously.

Theodore Kautzman (Milwaukee, WI)

MOTION: Lynda Farrar moved, seconded by Nancy Sobczak, to deny Theodore Kautzman's request because he does not fulfill the experience requirement. Motion carried unanimously.

Douglas Taylor (Chesapeake, VA)

MOTION: Lynda Farrar moved, seconded by Nancy Sobczak, to deny Douglas Taylor's request and ask for documentation that he understands Wisconsin law and practice. Motion carried unanimously.

Ann Schaefer (DePere, WI)

MOTION: Lynda Farrar moved, seconded by Nancy Sobczak, to approve Ann Schaefer to receive her PE license. Motion carried unanimously.

REINSTATEMENT REQUESTS

Jerrard Bosserd (Cadillac, MI)

The Section did not reach a decision on Jerrard Bosserd. The Section wanted more information on his licensure in other states during the time his license was expired in Wisconsin.

APPLICATION REVIEW

APPLICATIONS REVIEWED ON JULY 13, 2001

FOR REGISTRATION AS A PROFESSIONAL ENGINEER

1. By 8 Hour Written Examination

a. Granted

Alderson, Kenneth
Novotny, Paul
Obasih, Kemakolam

2. By approved Degree Plus 8 Years Experience

a. Granted

Ackerman, Russell
Bauman, Barry
Cibulka, Michael
Czajkowski, Henry
Driver, Dennis
Ewald, Jonathon
Fennimore, John
Kern, Richard
Koenig, James

Kowalik Jr, Jeremi
Lucchesi, Joseph
Maricle, David
Mrozinsky, Richard
Perugini, David
Petitt, Thomas
Richardson, Dennis
Schaefer, Ann

b. Deny

Badani, Hussein
Carpenter, Sandra
Kalaga, Sriram
Stilgenbauer, Clifford

FOR PRINCIPLES AND PRACTICE OF ENGINEERING EXAMINATION

a. Granted

Asadi, Mohammad
Balousek, Jeremy
Collins, Laura
Donze, Craig
Egle, Kevin
Emerson, Erik
Garber, Karoline
Goswick, Zachary
Hermsen, Scott
Kaap, Dustin
Lancour, Ryan
Lawinger, Matthew
Kools, Daniel

Kharoub, Ahmed
Kolar, Steven

Meek, Kristin
Nelson, Ricky
Phillips, William
Vela, Constantino
Yagol, Sally

b. Deny

Barilo Jr, Nicholas
Durkin, Maureen
Hayson, James
Pink, Chad

ADJOURNMENT

MOTION: Lynda Farrar moved, seconded by Nancy Sobczak, to adjourn the meeting at 2:45 p.m.